

Termination/Termination Separation Requirements

Federal and state laws require termination and a termination separation period for all members under age 65. If a retiree is not age 65 and fails to terminate employment by the effective date of retirement, becomes employed by an ATRS employer within the required separation period, or even has an agreement to return to work before or during the retirement separation period is complete, then the member is **not** eligible to retire.

- During the termination separation period, retirees must sever and end all employer-employee relationships at all participating ATRS employers.
- Retirees cannot form any employment relationship with any ATRS participating employer;
- Retirees cannot render any service for pay to or on behalf of any ATRS employer, with or without a contract;
- Retirees **cannot work for pay even for one day**;
- Retirees cannot work either full or part time for any ATRS employer;
- Retirees cannot exercise any authority to act as a representative of any ATRS participating employer;
- Retirees cannot form any express or implied employment agreements, or take any action to or entitle any ATRS participating employer to my services until after the separation period has ended;
- Retirees cannot provide volunteer activities for any ATRS participating employer that will have the effect of holding a position open for them (retirees can volunteer at an ATRS employer if it does not help hold a position open);
- Retirees cannot have reached an agreement either before or during the termination period to work at an ATRS employer after the termination period;
- ATRS employers to which the termination separation period applies include all Arkansas public schools, educationally related state agencies, ***colleges, universities and post-secondary institutions***;
- Retirees working for pay even for one day or **just for one hour** as a substitute or any other school employee is a violation of the termination separation period;
- If retirees are uncertain or have questions, they may call or contact ATRS and get clarification;
- If a retiree violates termination requirements or termination separation period, retirement and benefits will be cancelled, and the retiree will be responsible for repaying all benefits back to ATRS;
- Termination and termination separation period are **strictly enforced** and unintentional violations will require total correction;
- Retirees' separation period begins on the effective date of retirement, which is always the 1st day of a month in which the benefits begin. **The separation period does not begin on the last day worked for an ATRS employer.**